



# City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor  
Floyd Petersen, Mayor pro tempore  
Robert Christman, Councilmember  
Stan Brauer, Councilmember  
Robert Ziprick, Councilmember

COUNCIL AGENDA:      October 26, 2004  
  
TO:                      City Council  
  
VIA:                     Dennis R. Halloway, City Manager  
  
FROM:                  Pamela Byrnes-O'Camb, City Clerk  
  
SUBJECT:               Minutes of October 12, 2004

## **RECOMMENDATION**

It is recommended that the City Council approve the Minutes of October 12, 2004.

City of Loma Linda

City Council Minutes

Regular Meeting of October 14, 2004

A regular meeting of the City Council was called to order by Mayor Hansberger at 7:04 p.m., Tuesday, October 14, 2004, in the Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Karen Gaio Hansberger Mayor pro tempore Petersen Robert H. Christman Stan Brauer Robert Ziprick
Councilman Absent:	None
Others Present:	City Manager Dennis Holloway City Attorney Richard E. Holdaway

Mayor Hansberger led the invocation and Pledge of Allegiance. No items were added or deleted. No conflicts of interest were noted.

**Oral Reports/Public Participation**

Chris Macatubal, 25414 Durango Loop; Frank McCormick, 25454 Sonora Loop; Gio Chavez, 25400 Durango Loop; Richard Chang, 25392 Durango Loop; and Brent Barton, 25372 Durango Loop, addressed the City Council relating to the Landscape Maintenance District assessment shown on the 2004-2005 County Property Tax Bill recently received, stating that previous tax bills showed an assessment of \$32; however the recent tax bill showed an assessment of \$422.

Associate Engineer Peterson responded, stating that Staff had responded to several inquiries and several indicted they would be attending the Council meeting; therefore, a detailed response was prepared for this evening.

He then stated that the area was annexed to the Landscape Maintenance District in fiscal year 1999-2000, as part of the subdivision, to provide for the cost of maintenance of the landscape, which provided designs for open space in order to cluster the homes so that the residents could enjoy the amenities offered. He went on to explain that the developer originally planned to handle the costs of maintenance; however, upon completion of the homes, the developer moved to another project elsewhere, leaving the maintenance to the City. The developer refused numerous requests to maintain the property, so the City was forced to complete the landscaping and maintain it, initially utilizing City crews and weekend work release forces, with the cost of maintenance being borne by the General Fund. The common landscape areas within the tract were eventually added to the City's Landscape Maintenance District Contract and the cost of maintenance was included on the tax bill, the same as other areas within the Landscape Maintenance District.

Mr. Petersen elaborated that within the Parkside Homes Tract, there was approximately 80,000 square feet of landscape within the LMD area, which did not include the ball fields. Originally, the \$32 assessment covered the administration portion of the LMD, including the Annual Engineer's Report. Thereafter, the cost included maintenance, replacement, utilities, administration overhead, and insurance, which were included in the Engineer's Report accepted in 1999 and which included a provision for an annual CPI increase. The original assessment was approximately \$21,000, which was borne by the City. The CPI for 2004-2005 is 2-1/2 percent, making the annual assessment \$24,998 to be divided among the 58 property owners. Because the developer did not perform, the City assumed the responsibility to bring the landscaping up to City standards, pursuant to the LMD.

Mr. Peterson then responded to questions. Staff was instructed to submit a report at the meeting of October 26, detailing the costs included in the assessments.

**Scheduled and Related Items**

**CC-2004-125 – Public Hearing – Development Impact Fees (Continued from September 14)**

- a. Approving the Master Facilities Plan (This is not a public hearing, but related to Item b).
- b. Council Bill #R-2004-40 – Establishing Development Impact Fees and repealing Resolutions 2301, 1842 and 1716

The public hearing was opened. City Manager Holloway stated that the BIA requested another continuance.

Frank Williams, representing the BIA, thanked the City Council and City Manager for meeting with the BIA, but stated that agreement had not been reached, particularly with the methodology that was used. He requested that the City Council form an ad hoc committee of City Staff, Council Members, the BIA, the BIA consultant and City consultant. He submitted a letter that had been previously sent to the City Manager, requesting a two-week continuance of the public hearing, noting that there were still issues relating to the water and sewer fees, recoupment fees that in his opinion were contrary to the provisions of AB 1600.

Councilman Christman stated that he met with some of the developers this date, at which a threat of litigation was voiced. He suggested that a closed session be called to confer with Legal Counsel.

**Motion by Christman, seconded by Ziprick and unanimously carried to recess to a closed session.**

City Attorney Holdaway, in response to questions, stated that the item appeared on the agenda; it may be appropriate to add a closed session to discuss the item separately from the public meeting portion of the agenda. A finding could be made that there is a need for immediate action to discuss the item under the litigation exception to the open meeting requirements; that the need came to the attention of the City Council after the posting of the agenda because of the discussion today where litigation was raised. By a four-fifths vote, the item could be added to the agenda as a separate item.

**Motion by Christman, seconded by Ziprick and unanimously carried to amend the previous motion and to add the item to the agenda for discussion during a closed session.**

**CC-2004-126 – Closed Session – Conference with Legal Counsel – Anticipated Litigation**  
(Government Code Section 54956.9(E))

The City Council recessed to a closed session at 7:46 p.m. and reconvened at 8:46 p.m. with all members present. The City Attorney announced that the City Council met and conferred with Legal Counsel and received direction as to the legal issues. There was no final action to report in that regard.

**CC-2004-125 – Public Hearing – Development Impact Fees (Continued)**

- a. Approving the Master Facilities Plan (This is not a public hearing, but related to Item b).
- b. Council Bill #R-2004-40 – Establishing Development Impact Fees and repealing Resolutions 2301, 1842 and 1716

The public hearing continued. Emily Hemphill of the Law Offices of Ealy, Hemphill & Blasdel, LLP, Palm Springs, representing The Spanos Companies, questioned the Fiscal Impact Analysis that was completed in order to arrive at the Development Impact Fees, and submitted a letter dated October 12 for the record. She agreed with Mr. Williams that there was a need for more study and analysis as well as adjustments to the fees. She stated that the Spanos Project was approved approximately one year ago and the recommended change in fees significantly impacted the project. If the proposed fee schedule were to be adopted, the fees related to the Spanos Project would increase by \$4 million, which brought the viability of the project in question.

**Motion by Christman, seconded by Ziprick to continue the public hearing to October 26.**

Councilman Brauer disagreed with the proposed action, stating that a noticed workshop was held on August 24 with developers, public, and City Council; there was good discussion, including disagreements on certain methodologies on how some of the fees were arrived at, but there was very good public input. In deference to some complaints from the development community, the City Council continued the item from September 14 to September 28 and again to October 12. The BIA and others have had the opportunity to review the report since August 24. Despite the time involved, a letter was received today from the BIA requesting another continuance. In his opinion, the Development Community was attempting to stall implementation of the fees for as long as possible. If the City did not move forward with the fees, which are based on state law, the citizens will be burdened with the cost of capital improvements rather than the development necessitating the improvements.

Mr. Williams responded that the letter submitted this evening was a result of the workshop on October 7 with Staff, the City's consultant and BIA's consultant. A letter was faxed to the City Manager on Friday, October 8 with comments. The BIA and City both want the fees to be right, but in his opinion, there are contradictions to AB 1600.

Mayor pro tempore Petersen commented that the consultant hired by the City was well-versed in the requirements of AB 1600, having done this type of work since 1988. If agreement could not be reached, then perhaps a judge would have to decide whether the fee schedule complied with the spirit of AB 1600. In response to the comment, Mr. Williams stated that this was the first time he had seen an equity-based methodology and recoupment of a fee used in a fee study. He then requested a workshop with the consultants, Staff, and City Council Members so that perhaps an understanding and agreement could be reached.

Councilman Brauer asked that the City's consultant respond to comments presented. Scott Thorpe of Revenue and Cost Specialists responded that the Cities of Ontario, Chino, Norco, and Corona adopted similar reports; that he had also done similar work for the Cities of Rialto, Highland, Murrieta and Hemet and the same methodology was used. It was a methodology that balanced the needs of the City for infrastructure so that the existing community was protected from the diminuation of their existing levels of service.

Councilman Ziprick asked that Mr. Thorpe provide copies of the reports, or at least summaries, adopted by other cities to the City Manager to review for similarities.

**The Mayor called for the vote, which carried. Petersen and Brauer opposed.**

The Mayor confirmed that the public hearing was continued to October 26; that the City Manager would arrange for Staff, both consultants, the BIA, and two members of the City Council to meet prior to October 26.

CC-2004-127 – Public Hearing – General Plan Update Project – Overview of process and presentation of Draft General Plan, Draft Final Environmental Impact Report, and Draft Traffic Impact Analysis

The public hearing was opened. Community Development Director Woldruff stated that the General Plan Update has been in progress for approximately four years. The project is a comprehensive update to the General Plan, including changes to the text and maps; and would set policy and guide the City's development over the next 20 years. Areas directly affected by the update included properties located within the City's corporate boundaries as well as properties within the City's Sphere of Influence.

She stated that the Staff Report provided a general outline of the update with attachments that included the October 2004 version of the Draft General Plan, the Existing Setting Report completed in June 2002, the Draft Program Environmental Impact Report, which included responses to comments of March 22, and June 21, 2004; the Congestion Management Plan and Traffic Impact Analysis, which was completed in May 2004; responses to letters of comment that were received pertaining to the January and June 2004 editions; letters and petitions received since responses were provided.

She then introduced Lloyd Zola of LSA Associates to make the presentation. Mr. Zola reviewed the following:

- 1) Government Code Requirements for the General Plan;
- 2) Required elements of the General Plan: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety;
- 3) Optional Elements included in the Loma Linda Plan: Public Services and Facilities, Community Design, and Economic Development;
- 4) General Plan Consistency: equal status among the elements, zoning, land divisions, public works projects, specific plans, and redevelopment plans;
- 5) General Plan preparation process, including the numerous workshops relating to the update;
- 6) Major changes in the Loma Linda General Plan, including special planning areas under review by the Planning Commission, the Community Design Element, Economic Development and Public Services and Facilities Element;
- 7) Community Vision, including building on existing assets, economic vitality, balance between local employment and housing opportunities, services, cultural and recreational amenities.

He then reviewed the various Elements of the General Plan, stating:

- 1) The Land Use Element described appropriate land uses, including special planning areas being reviewed by the Planning Commission to provide clear policy direction and to maintain flexibility to facilitate innovation and meet market demands, in addition to providing an appropriate balance between development opportunities, the need for environmental protection, and the desire for recreational amenities.
- 2) The Community Design Element addressed appropriate design for new development as well as adaptive reuse and protection of historic features.
- 3) The Economic Development Element dealt with a positive business climate, attraction of new businesses and building on existing strengths, availability of land for employment-generating uses, retail sales tax generation, and development paying its own way.

4) The Housing Element provided for adequate housing for all economic segments of the community based on quantified objectives provided by SCAG, continuance of existing programs and the Inclusionary Housing Program.

5) The Transportation and Circulation Element assumed no Bi-County Corridor connection to California Street, but did consider major improvements, such as freeway interchanges, the westerly extension of Van Leuven Street, railroad bridge widening, realignment of Mission Road, the widening of California street, and the elimination of offset intersections.

6) The Noise Element established standards for noise and compatible land use.

7) The Public Services and Facilities Element addressed fire and police protection, education facilities, libraries, medical institutions and social services, parks, water and sewer, solid waste management, utilities, and cable television.

8) The Conservation and Open Space Element addressed protection of visual resources, protection and preservation of open space, air quality management, protection of biological resources, orderly conversion of agricultural lands, water resources conservation, and protection of cultural resources.

9) Public Health and Safety Element defined acceptable risk and safety standards relating to geotechnical hazards, flooding, slope failure, fire, hazardous materials and waste, and emergency preparedness.

Mr. Zola elaborated that implementation of the General Plan would require follow up studies and actions relating to the various Elements of the General Plan, intergovernmental coordination pertaining to land use, transportation planning and facilities funding, enhancement of community awareness, as well as collaboration with medical and social service agencies. Implementation also involved annual review of the General Plan and Capital Improvement Program in order to maintain an up-to-date General Plan.

He next reviewed the environmental process, noting that the process began in October 2003 with a Notice of Preparation; the Draft EIR was prepared in March 2004 with the Final EIR prepared in June 2004, which included responses to comments on the Draft EIR, an addendum to the Draft EIR and a Mitigation Monitoring Plan. He explained that the Program EIR was used to evaluate the large-scale impacts of the General Plan on the environment, but did not evaluate site-specific impacts of each development because individual projects required further environmental assessment under CEQA.

Mrs. Woldruff added that letters just received were still being evaluated for response; the Planning Commission was reviewing an issue regarding the area of Barton Road and Oakwood Drive and a request for high density south of Barton Road; the public review period for the EIR was closed and response to those comments was being prepared.

Others speaking were: James Fonseca, 24214 Khan Drive; Joy Bradley, 24282 Khan Drive; Bruce Bradley, 24282 Khan Drive; who opposed high density south of Barton Road, noting that the proponent of high density in the area opposed high density in other locations. Jonathan Zirkle, 24247 Barton Road, expressed concern about too much housing, too much low income, impacts of population on water and other resources, including open space; Georgia E. Hodgkin, 24360 Lawton Avenue, suggested that current development should comply with the current General Plan rather than the Update, density was unhealthy because of the lifestyle it promoted; Cindy Chrisler, 25446 Lane Street, expressed concern about the rate of development, high density, impact on public services and suggested that planned communities be limited to parcels of 10 acres or more; Ted Miller, 24190 Barton Road supported the R-3 designation for the north side of Barton Road, but opposed the designation for the south side; Kathy Glendrange, 26551 Beaumont Avenue, addressed the City Council relating to hillside development and the SCAG numbers for low and moderate income housing.

No other testimony was offered.

Motion by Ziprick to continue the public hearing to December 14. Motion died for lack of a second.

Motion by Christman to continue the public hearing to October 26. Motion withdrawn.

Discussion ensued pertaining to continuing the public hearing and scheduling a study session.

**Motion by Christman, seconded by Ziprick and unanimously carried to schedule a study session with Staff and the consultant for 6:00 p.m., Tuesday, November 16.**

**CC-2004-128 – Consent Calendar**

**Motion by Christman, seconded by Petersen and unanimously carried to approve the following:**

The Demands Register dated September 30, 2004 with commercial demands totaling \$229,856.52.

The Demands Register dated October 14, 2004 with commercial demands totaling \$777,909.63 and payroll demands totaling \$171,428.60.

The Minutes of September 14 and 28 as presented.

Council Bill #R-2004-48.

**Resolution No. 2355**

A Resolution of the City Council of the City of Loma Linda, approving the application for grant funds for the Youth Soccer and Recreation Development Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

Council Bill #R-2004-47.

**Resolution No. 2356**

A Resolution of the City Council of the City of Loma Linda rejecting all challenges to the Project Area Committee formation and election of the Project Area Committee for the proposed Amendment to the Redevelopment Plan for the Loma Linda Redevelopment Project; finding the PAC formation and election were conducted in good faith and in substantial compliance with applicable legal requirements and the substantial compliance with applicable legal requirements and the procedures; accepting the presentation from the City Clerk of the PAC election results; finding all relevant portions of the procedures regarding the election were followed; certifying the results of the PAC election; and approving the formation of the Project Area Committee in connection with said Amendment

Phase IV of the Pavement Rehabilitation Program as complete and authorized recordation of a Notice of Completion for Doug Martin Contracting Col., Inc., La Habra, Contractor.

The proposal from MuniFinancial to provide assessment engineer services relating to the Redlands Boulevard Underground Utility District.

A budget appropriation of \$32,500 for the Healthy Cities Grant.

**Old Business**

CC-2004-129 – Council Bill #O-2004-6 (Second Reading/Roll Call) – Adding Chapter 15.54 to the Loma Linda Municipal Code pertaining to the Loma Linda Connected Community Program

**Motion by Petersen, seconded by Brauer and unanimously carried to waive reading of Council Bill #O-2004-6 in its entirety; direct the Clerk to read by title only; and adopt on roll call vote.**

The Clerk read the title and called the roll with the following results:

Ayes:	Hansberger, Petersen, Christman, Brauer, Ziprick
Noes:	None
Abstain:	None
Absent:	None

**Ordinance No. 629**

An Ordinance of the City Council of the City of Loma Linda adopting Chapter 15.54 of Title 15 of the Loma Linda Municipal Code pertaining to the Loma Linda Connected Community Program for all new development projects in the City and additions that exceed more than fifty (50) percent of the original structure and within the Fiber-Optic Master Plan area.

There were no reports from Councilmen, Commissions/Committees, or Officers.

The meeting adjourned at 10:40 p.m.

Approved at the meeting of

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City Clerk